
SENATE BILL 5853

State of Washington

60th Legislature

2007 Regular Session

By Senators Fairley, Kohl-Welles, Rasmussen and Keiser

Read first time 02/05/2007. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to clarifying the definition of victim of identity
2 theft for the purposes of placing a security freeze; and amending RCW
3 19.182.170.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.182.170 and 2005 c 342 s 1 are each amended to read
6 as follows:

7 (1) A victim of identity theft (~~((who has submitted a valid police~~
8 ~~report to a consumer reporting agency))~~) may elect to place a security
9 freeze on his or her report by making a request in writing by certified
10 mail to a consumer reporting agency. "Security freeze" means a notice
11 placed in a consumer's credit report, at the request of the consumer
12 and subject to certain exceptions, that prohibits the consumer
13 reporting agency from releasing the consumer's credit report or any
14 information from it without the express authorization of the consumer.
15 If a security freeze is in place, information from a consumer's credit
16 report may not be released to a third party without prior express
17 authorization from the consumer. This subsection does not prevent a
18 consumer reporting agency from advising a third party that a security
19 freeze is in effect with respect to the consumer's credit report.

1 (2) For purposes of this section and RCW 19.182.180 through
2 19.182.210, a "victim of identity theft" means:

3 (a) A victim of identity theft as defined in RCW 9.35.020, who has
4 submitted a valid police report to a consumer reporting agency; or

5 (b) A person who has been notified by an agency, person, or
6 business that owns or licenses computerized data of a breach in a
7 computerized data system which has resulted in the acquisition of that
8 person's unencrypted personal information by an unauthorized person or
9 entity.

10 (3) A consumer reporting agency shall place a security freeze on a
11 consumer's credit report no later than five business days after
12 receiving a written request from the consumer.

13 (4) The consumer reporting agency shall send a written confirmation
14 of the security freeze to the consumer within ten business days and
15 shall provide the consumer with a unique personal identification number
16 or password to be used by the consumer when providing authorization for
17 the release of his or her credit report for a specific party or period
18 of time.

19 (5) If the consumer wishes to allow his or her credit report to be
20 accessed for a specific party or period of time while a freeze is in
21 place, he or she shall contact the consumer reporting agency, request
22 that the freeze be temporarily lifted, and provide the following:

23 (a) Proper identification, which means that information generally
24 deemed sufficient to identify a person. Only if the consumer is unable
25 to sufficiently identify himself or herself, may a consumer reporting
26 agency require additional information concerning the consumer's
27 employment and personal or family history in order to verify his or her
28 identity;

29 (b) The unique personal identification number or password provided
30 by the credit reporting agency under subsection (4) of this section;
31 and

32 (c) The proper information regarding the third party who is to
33 receive the credit report or the time period for which the report is
34 available to users of the credit report.

35 (6) A consumer reporting agency that receives a request from a
36 consumer to temporarily lift a freeze on a credit report under
37 subsection (5) of this section((7)) shall comply with the request no
38 later than three business days after receiving the request.

1 (7) A consumer reporting agency may develop procedures involving
2 the use of telephone, fax, the internet, or other electronic media to
3 receive and process a request from a consumer to temporarily lift a
4 freeze on a credit report under subsection (5) of this section in an
5 expedited manner.

6 (8) A consumer reporting agency shall remove or temporarily lift a
7 freeze placed on a consumer's credit report only in the following
8 cases:

9 (a) Upon consumer request, under subsection (5) or (11) of this
10 section; or

11 (b) When the consumer's credit report was frozen due to a material
12 misrepresentation of fact by the consumer. When a consumer reporting
13 agency intends to remove a freeze upon a consumer's credit report under
14 this subsection, the consumer reporting agency shall notify the
15 consumer in writing prior to removing the freeze on the consumer's
16 credit report.

17 (9) When a third party requests access to a consumer credit report
18 on which a security freeze is in effect, and this request is in
19 connection with an application for credit or any other use, and the
20 consumer does not allow his or her credit report to be accessed for
21 that specific party or period of time, the third party may treat the
22 application as incomplete.

23 (10) When a consumer requests a security freeze, the consumer
24 reporting agency shall disclose the process of placing and temporarily
25 lifting a freeze, and the process for allowing access to information
26 from the consumer's credit report for a specific party or period of
27 time while the freeze is in place.

28 (11) A security freeze remains in place until the consumer requests
29 that the security freeze be removed. A consumer reporting agency shall
30 remove a security freeze within three business days of receiving a
31 request for removal from the consumer, who provides both of the
32 following:

33 (a) Proper identification, as defined in subsection (5)(a) of this
34 section; and

35 (b) The unique personal identification number or password provided
36 by the consumer reporting agency under subsection (4) of this section.

37 (12) This section does not apply to the use of a consumer credit
38 report by any of the following:

1 (a) A person or entity, or a subsidiary, affiliate, or agent of
2 that person or entity, or an assignee of a financial obligation owing
3 by the consumer to that person or entity, or a prospective assignee of
4 a financial obligation owing by the consumer to that person or entity
5 in conjunction with the proposed purchase of the financial obligation,
6 with which the consumer has or had prior to assignment an account or
7 contract, including a demand deposit account, or to whom the consumer
8 issued a negotiable instrument, for the purposes of reviewing the
9 account or collecting the financial obligation owing for the account,
10 contract, or negotiable instrument. For purposes of this subsection,
11 "reviewing the account" includes activities related to account
12 maintenance, monitoring, credit line increases, and account upgrades
13 and enhancements;

14 (b) A subsidiary, affiliate, agent, assignee, or prospective
15 assignee of a person to whom access has been granted under subsection
16 (5) of this section for purposes of facilitating the extension of
17 credit or other permissible use;

18 (c) Any federal, state, or local entity, including a law
19 enforcement agency, court, or their agents or assigns;

20 (d) A private collection agency acting under a court order,
21 warrant, or subpoena;

22 (e) A child support agency acting under Title IV-D of the social
23 security act (42 U.S.C. et seq.);

24 (f) The department of social and health services acting to fulfill
25 any of its statutory responsibilities;

26 (g) The internal revenue service acting to investigate or collect
27 delinquent taxes or unpaid court orders or to fulfill any of its other
28 statutory responsibilities;

29 (h) The use of credit information for the purposes of prescreening
30 as provided for by the federal fair credit reporting act;

31 (i) Any person or entity administering a credit file monitoring
32 subscription service to which the consumer has subscribed; and

33 (j) Any person or entity for the purpose of providing a consumer
34 with a copy of his or her credit report upon the consumer's request.

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